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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/803,257 | 03/09/2001 | Oliver W. Gamble | 3670-4002 | 7057 |
| 7590 | 07/13/2006 | | EXAMINER | |
| OLIVER W. GAMBLE | | | GAUTHIER, GERALD | |
| 436 EAST 75TH STREET | | | ART UNIT | PAPER NUMBER |
| NEW YORK, NY 10021 | | | 2614 | |
| DATE MAILED: 07/13/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/803,257 | GAMBLE, OLIVER W. | |
| | Examiner | Art Unit | |
| | Gerald Gauthier | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 56-87,91,94,96,100,107,108 and 111-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 56-87,91,94,96,100,107,108 and 111-125 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. **Claim(s) 116** is objected to because of the following informalities: line 4 "discount call" The applicant agrees on the phone to strike out this limitation in response to the office action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. **Claim(s) 56, 59, 67, 70, 78, 81, 91, 94, 111-123 and 125** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim(s) 56 recites the limitation "said instructions" in line 11. There is insufficient antecedent basis for this limitation in the claim. It will be in the benefit of the applicant to clearly define which instructions the limitation is referring to since they are 3 type of instructions in the claim limitations.

Claim(s) 59 has the same problem, it recites the limitation "the incoming instructions" in line 12 and "said instructions" lines 13-14.

Claim(s) 67 has the same problem, it recites the limitation "said targeted appliance" in line 15 and "said appliance future behavior" line 16 and "the instructions" line 16.

Claim(s) 70 has the same problem, it recites the limitation "said instructions" in lines 13 and 15.

Claim(s) 78 has the same problem, it recites the limitation "said instructions" in line 14.

Claim(s) 81 has the same problem, it recites the limitation "said instructions" in lines 16 and 21.

Claim(s) 91 has the same problem, it recites the limitation "the a remote location" in line 11 and "said incoming instructions" lines 14-15 and "said instructions" line 16.

Claim(s) 94 has the same problem, it recites the limitation "the received information" in line 5.

Claim(s) 111 has the same problem, it recites the limitation "said server" in lines 9 and 10, and "said instructions" in lines 11 and 12.

Claim(s) 112 has the same problem, it recites the limitation "said incoming instructions" in lines 10 and 12.

Claim(s) 113 has the same problem, it recites the limitation "the communication system" in line 13, "said incoming to said device" in lines 15 and 16 and "said device based on said instructions" in line 17.

Claim(s) 114 has the same problem, it recites the limitation "the received information" in line 13.

Claim(s) 115 has the same problem, it recites the limitation "the input terminal in line 9, "the communication system" in line 12, "the remote location" in lines 14 and 17, and "the server" in lines 15 and 16.

Claim(s) 116 has the same problem, it recites the limitation "said instructions" in line 10.

Claim(s) 117 has the same problem, it recites the limitation "said device" in lines 13 and 14 and "said instructions" in line 14.

Claim(s) 118 has the same problem, it recites the limitation "the information" in line 15, "the server" in lines 15 and 16 and "the remote location" in lines 15 and 17.

Claim(s) 119 has the same problem, it recites the limitation "the server" in line 10, "the information" line 10, "the transmitted information" in line 12, "the remote location" in lines 12 and 13, and "said instructions" in line 14.

Claim(s) 119 has the same problem, it recites the limitation "any incoming information" in line 8 made this limitation indefinite.

Claim(s) 120 has the same problem, it recites the limitation "the transmitted information" in line 10.

Claim(s) 121 has the same problem, it recites the limitation "the communication system" in lines 7 and 10, "the server" in line 8, "the targeted appliance" in line 12 and "said information" in line 13.

Claim(s) 122 has the same problem, it recites the limitation "the communication system" in lines 7 and 10, "the server" in line 8, "the targeted appliance" in line 12 and "said information" in line 13.

Claim(s) 123 has the same problem, it recites the limitation "the server" in lines 5 and 7, "the information" in line 6, "the communication system" in line 8, "the incoming

information" in lines 11 and 12, "the remote location" in lines 12 and 13, "the device" in line 13, "said remote location" in line 14 and "said information" in line 15.

Claim(s) 125 has the same problem, it recites the limitation "the process information" in line 11, "the information" in line 13, "the remotely located input terminal" in line 13, "said information" in line 15, "said server" in line 16 and "said instructions" in line 17.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim(s) 56-87, 91, 94, 96, 100, 107, 108, and 111-125**, rejected under 35 U.S.C. 102(b) as being anticipated by Kittirutsunetorn (US 5,051,720).

Regarding **claim(s) 56, 59, 67, 70, 78, 81, 91, 94, 96, 111-123 and 125**,
Kittirutsunetorn discloses a method for controlling one or more remote targeted devices (141 on FIG. 1) over a communication network (119 on FIG. 1) by accessing a central computer (121 on FIG. 1), selecting a specific targeted device (141 on FIG. 1) at a remote location, and entering instruction that will control the future behavior of said targeted device at said remote location (FIG. 1 and column 1, lines 7-10), comprising:

accessing a central computer using a plurality of remote data entry points
(column 3, lines 21-27);

accessing a central computer using a plurality of remote data entry modes
(column 3, lines 21-27);

a central computer able to process and store instructions inputted from a plurality of data entry points (column 3, lines 28-39);

a central computer able to determine if incoming instructions are authorized to be accepted and forwarded to a specific remote location (column 6, lines 27-35);

a central computer able to forward instructions over a communication system to a chosen remote location where said instructions will be relayed to a targeted device
(column 8, lines 33-56);

a targeted device accepting instructions that will control said device future behavior (column 15, lines 5-19).

Regarding **claim(s) 57, 60, 68, 71 and 79**, Kittirutsunetorn discloses a method, further comprising: a central computer receiving one or more DTMF tones over said communication network (column 3, lines 21-27); and

translating said tones into said instructions that can affect the future behavior of a specific device located at a remote location (column 3, lines 21-27).

Regarding **claim(s) 58, 61, 69 and 72**, Mankovitz discloses a method, further comprising: a central computer determining what information is encoded within a string

of DTMF tones by analyzing order in which DTMF tones are received (column 3, lines 28-39); and

generating instructional coding that corresponds to the detected sequence of DTMF tones (column 3, lines 28-39).

Regarding **claim(s) 62 and 73**, Mankovitz discloses a method, wherein the DTMF tones encoding information are transmitted by a central server over a telecommunication network to a site remote to both the server and the remote data entry terminal (column 3, lines 28-39).

Regarding **claim(s) 63, 74, 107 and 124**, Mankovitz discloses a method, wherein the DTMF tones encoding information are transmitted over the Internet to a central server where information and instructions are extracted and process before being processed on to a remote targeted site where said instructions call affect the future behavior of an appliance (column 4, lines 27-54).

Regarding **claim(s) 64, 75, 82, 86 and 108**, Mankovitz discloses a method, further comprising: a device at the remote site converting said DTMF tones received from the central computer into infrared light signals containing instructions that call control the behavior of the targeted appliance (column 4, lines 55-65).

Regarding **claim(s) 65, 76, 83 and 86**, Mankovitz discloses a method, further comprising: a device at the remote site converting said DTMF tones received from the central computer into audio signals containing instructions that call control the behavior of the targeted appliance (column 5, lines 11-28).

Regarding **claim(s) 66, 77, 84 and 85**, Mankovitz discloses a method, further comprising: the device at the remote site converting said DTMF tones received from the central computer into electrical signals containing instructions that are conveyed by cable to the target appliance, and wherein said instructions will control the future behavior of the targeted appliance (column 6, lines 11-35).

Response to Arguments

6. Applicant's arguments with respect to **claim(s) 56-87, 91, 94, 96, 100, 107, 108, and 111-125** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .

Gerald Gauthier
GERALD GAUTHIER
PATENT EXAMINER

GG
July 10, 2006

Gerald Gauthier
Examiner
Art Unit 2614